

MONTEREY COUNTY BEHAVIORAL HEALTH COMMISSION BY-LAWS

ARTICLE 1 Name, Purpose, Powers, and Authority

Section 1.01 Name

The name of this legislative body is the Monterey County Behavioral Health Commission ("Behavioral Health Commission"). The Behavioral Health Commission is the local advisory commission reviewing "behavioral health," meaning mental health and substance use disorder, needs and services in Monterey County pursuant to Welfare and Institutions Code Section 5604 by Resolutions Nos. 80-12 and 86-76 of the Board of Supervisors for the County of Monterey ("Board of Supervisors").

Section 1.02 Purpose, Powers, and Authority

Per Welfare and Institutions Code Section 5604.2:

- a) The Behavioral Health Commission shall do all the following:
 - 1) Review and evaluate the community's public behavioral health needs, services, facilities and special problems in any facility within the county or jurisdiction where behavioral health evaluations or services are being provided, including, but not limited to, schools, emergency departments, jail, juvenile hall, and psychiatric facilities;
 - 2) Review any County agreements entered into pursuant to Welfare and Institutions Code Section 5650. The Behavioral Health Commission may make recommendations to the governing body regarding concerns identified within these agreements;
 - 3) Advise the Board of Supervisors and the local Behavioral Health Director as to any aspect of the local behavioral health program. The Behavioral Health Commission may request assistance from the local patients' rights advocates when reviewing and advising on behavioral health evaluations or services provided in public facilities with limited access;
 - 4) Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. Involvement shall include individuals with lived experience of behavioral illness and their families, community members, advocacy organizations, and behavioral health professionals. It shall also include other professionals that interact with individuals living with behavioral illnesses on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans;
 - 5) Submit an annual report to the Board of Supervisors on the needs and performance of the County's behavioral health system;

- 50
51 6) Review and make recommendations on applicants for the appointment of the
52 local Behavioral Health Director. The Behavioral Health Commission shall be
53 included in the selection process prior to the vote of the Board of Supervisors;
54
55 7) Review and comment on the County's performance outcome data and
56 communicate its findings to the California Behavioral Health Planning Council;
57
58 8) Nothing in this part shall be construed to limit the ability of the Board of
59 Supervisors to transfer additional duties or authority to the Behavioral Health
60 Commission.
61
62 b) Assessment of Realignment: It is the intent of the Legislature under Welfare and
63 Institutes Code section 5604.2(b), that, as part of the duties pursuant to subdivision (a),
64 the Behavioral Health Commission shall assess the impact of the realignment of
65 services from the State to the County on services delivered to clients and on the local
66 community.
67

68 **Section 1.03 Behavioral Health Commission Member Responsibilities**
69

70 The responsibilities of a Behavioral Health Commission member is to:
71

- 72 a) Function as an active and responsible member of the Behavioral Health Commission
73 and attend all Behavioral Health Commission meetings;
74
75 b) Participate in the deliberations and decisions of the Behavioral Health Commission;
76
77 c) Assume such responsibilities and undertake such actions as may be required by law, by
78 the Articles and By-Laws of the Behavioral Health Commission, and/or by specific
79 Behavioral Health Commission decisions and assignments specified in Section 5604
80 (a)-(f) of the Welfare and Institutions Code;
81
82 d) Accept responsibility for making informed decisions and policies by requesting accurate
83 information, asking questions, probing, analyzing and, finally, supporting publicly the
84 decisions made collaboratively;
85
86 e) Act as a consumer/community advocate for local behavioral health services;
87
88 f) Act as an official representative of the Behavioral Health Commission only with the
89 formal sanction of the Behavioral Health Commission;
90
91 g) Serve on at least one subcommittee or task force, as needed, and attend community
92 events and/or task force meetings, committing one (1) or more hours per month to
93 Behavioral Health Commission activities;
94
95 h) Bring concerns regarding the Behavioral Health Commission's functioning to Behavioral
96 Health Commission meetings where they can be dealt with openly and productively;
97
98 i) Work collaboratively within the defined structure of the Behavioral Health Commission
99 and with local behavioral health staff to improve the delivery of behavioral health
100 services in accordance with the official direction provided by the Board of Supervisors.

- 101
102 j) Complete all Clerk of the Board requirements for service on a Brown Act Commission,
103 including mandatory Ethics training.
104
105

106 **ARTICLE 2 Composition**
107

108 **Section 2.01** The Behavioral Health Commission shall consist of 17 members appointed
109 by the Board of Supervisors.
110

- 111 a) Consumer, Family Member: Pursuant to Welfare and Institutions Code section
112 5604(a)(2)(B), at least 50% of the membership shall be consumers or the parents,
113 spouses, siblings, or adult children of consumers, who are receiving or have received
114 behavioral health services. At least 20% of the total membership shall be consumers,
115 and at least 20% shall be family members of consumers. Effective January 1, 2025,
116 one of these members shall be an individual who is 25 years of age or younger;
117
118 b) Veteran or Veteran Advocate. Pursuant to Welfare and Institutions Code section
119 5604(a)(2)(C), at least one member of the Behavioral Health Commission shall be a
120 veteran or veteran advocate. The Department of Health shall notify the Monterey
121 County Military & Veterans Affairs Office of a vacancy. "Veteran advocate" means a
122 parent, spouse, or adult child of a veteran, or an individual who is part of a veterans
123 organization, including the Veterans of Foreign Wars or the American Legion.
124
125 c) Employee of Local Education Agency. Pursuant to Welfare and Institutions Code
126 section 5604(a)(2)(D) and effective January 1, 2025, at least one member of the
127 Behavioral Health Commission shall be an employee of a local education agency. The
128 Department of Health shall notify the Monterey County Office of Education of a vacancy;
129
130 d) Supervisor from the Board of Supervisors. The Board of Supervisors shall appoint one
131 of its members to serve on the Behavioral Health Commission as a voting member and
132 one of its members to serve as an alternative on the Behavioral Health Commission;
133
134 e) First Responder Member: The Board of Supervisors may appoint a local First
135 Responder agency member in accordance with the provisions of this Article regarding
136 the composition of the Behavioral Health Commission and as required by law. The local
137 First Responder agency member shall be a voting member of the Behavioral Health
138 Commission;
139
140 e) Other Members: The remaining members shall be selected from individuals who have
141 experience with or knowledge of the local behavioral health system;
142
143 f) Associate Members: The Board of Supervisors may appoint up to five associate
144 members between the ages of 15 and 18 years to bring the perspectives of youth to the
145 Behavioral Health Commission. These associates will have no voting privileges but will
146 have the right to participate in all other matters of the board, with the exception of
147 training conducted in areas outside the County. Associate Members shall not be
148 counted for purposes of establishing a quorum. Associate Members shall observe all

rules, regulations and policies applicable to members. The members of this class serve a term of one year. Terms will expire on December 31 of each year;

- g) Non-Voting Members: The Behavioral Health Commission will also consist of Non-Voting Behavioral Health Commission Members ("Non-Voting Members"), with no more than one member from each supervisorial district. Interested community members shall be considered for appointment as Non-Voting Members whenever there are no current vacancies on the Behavioral Health Commission. The process for appointment of Non-Voting Members shall be the same as for Behavioral Health Commission members. Non-Voting Members' responsibilities shall be the same as Behavioral Health Commission members, as described in Section 1.03 above. Non-Voting Members shall be allowed to sit with the Behavioral Health Commission and participate in discussions of agenda items, but shall not be allowed to move, second, or vote on any matter coming before the Behavioral Health Commission or any committee of the Behavioral Health Commission. A Non-Voting Member may not be elected as an officer of the Behavioral Health Commission. Non-Voting Members shall not be counted for purposes of establishing a quorum. Non-Voting Members shall observe all rules, regulations and policies applicable to members.

Section 2.02 The Behavioral Health Commission shall make every effort to ensure that the composition of the Behavioral Health Commission represents the demographics of the County as a whole, to the extent feasible. When a Commission member resigns or is not reappointed, the Behavioral Health Commission shall remind the appointing power of Welfare and Institutions Code Section 5604.5(b) which states that the Behavioral Health Commission By-Laws shall, "Ensure that the composition of the behavioral health board represents the demographics of the county as a whole, to the extent feasible," and Section 5604(a) which states that, "The board membership should reflect the ethnic diversity of the client population in the county to the extent possible."

Section 2.03 Consistent with Welfare and Institutions Code Section 5604(d):

- a) Except as provided in paragraph (b), no member of the Behavioral Health Commission or his or her spouse shall be a full-time or part-time employee of the Behavioral Health Bureau, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing body of, a behavioral health contract agency;
- b) A consumer of behavioral health services who has obtained employment with an employer described in paragraph (a) and who holds a position in which he or she does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the board. The member shall abstain from voting on any financial or contractual issue concerning his or her employer that may come before the Behavioral Health Commission.

Section 2.04 Consistent with Welfare and Institutions Code Section 5604(e), members of the Behavioral Health Commission shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code.

Section 2.05 The Behavioral Health Commission, consistent with Welfare and Institutions Code 5604(a)(2), “may recommend appointees to the county supervisors.” Under the same section, 5604(a)(2), “Counties are encouraged to appoint individuals who have experience with and knowledge of the local behavioral health system.”

Section 2.06 Members of the Behavioral Health Commission shall receive no compensation for their services except as provided for under Article 8, Section 8.01.

ARTICLE 3 Terms of Office (Vacancies and Replacements)

Section 3.01 Terms of Office

The term of each member of the Behavioral Health Commission shall be three years. The terms of the members shall be staggered so that the terms of at least five members appointed by the individual Supervisors expire each year. The terms shall run from June 1 of the year of appointment until May 31 three years later.

Section 3.02 Vacancies and Replacements

- a) A vacancy shall exist based on the occurrence of any of the following:
 - 1) When a member submits a written resignation to the Behavioral Health Commission Chairperson and the appointing Supervisor accepts the resignation in writing;
 - 2) When a member is absent a total of four (4) meetings in a calendar year;
 - 3) When a member is absent from two (2) meetings in a calendar year without providing prior notification of each absence to the Commission Secretary by noon on the Wednesday before the scheduled meeting;
 - 4) When a member’s death, disability, or any other circumstances prevents him/her from completing a term;
 - 5) When a member’s term has expired;
 - 6) When a member no longer resides in the County, or otherwise does not meet the qualifications of appointment.
- b) Upon majority recommendation of the Behavioral Health Commission, any member may be removed from office by a majority vote of the Board of Supervisors favoring such removal.
- c) When a prospective vacancy is imminent, or when a member resigns, the Behavioral Health Commission Chairperson shall forthwith notify the Board of Supervisors in writing. If the vacancy is for the position of Veteran Advocate, the Department of Health shall notify the Monterey County Military & Veterans Affairs Office of the vacancy, pursuant to Welfare and Institutions Code section 5406(a)(2).

247 **Section 3.03** Leave of Absence
248

249 A member may request a “leave of absence” from the Behavioral Health Commission
250 consisting of more than two consecutive absences or more than three absences in a
251 calendar year. Requests for a leave of absence shall be submitted in writing to the
252 Chairperson who will submit the request to the Behavioral Health Commission at its next
253 regularly scheduled meeting. Majority recommendation of the Behavioral Health
254 Commission will be communicated to the appointing Supervisor who will make the final
255 decision. Factors taken into account by the Behavioral Health Commission in reviewing a
256 request for leave of absence will include the number of vacancies on the Behavioral Health
257 Commission at that time and the requesting member’s past history of attendance. A leave
258 of absence will only be considered by the Behavioral Health Commission if the reason for
259 the leave is due to an emergency, extraordinary or extenuating circumstance and the
260 member is able to offer a definite date of return to Behavioral Health Commission business.
261

262 The Behavioral Health Commission may grant a member a leave of absence not to exceed
263 6 months. To grant such a leave, the Chairperson shall announce it at a Behavioral Health
264 Commission meeting and notify the appointing Supervisor. The leave of absence will
265 become effective at the meeting at which it is announced. The leave of absence waives the
266 limitation of other types of absences stated in this Article. If the member’s term expires
267 during a leave of absence, the member must reapply for membership to the Behavioral
268 Health Commission.
269
270

271 **ARTICLE 4** Meetings
272

273 **Section 4.01** The Behavioral Health Commission shall meet a minimum of ten times a
274 year. Regular meetings shall not be scheduled in July and December. Regular meetings
275 shall be held during the last week of each calendar month at 5:30 p.m. The meeting place
276 shall be moved around the County, at various sites in different parts of the County. In
277 September of each calendar year, the Behavioral Health Commission shall set the date and
278 place of its regularly scheduled meetings for the upcoming calendar year. Subsequent
279 Public Notice of the yearly calendar shall be made thereafter.
280

281 Any amendment to the time and place of the regularly scheduled meetings of the
282 Behavioral Health Commission shall be determined by a majority vote of the Behavioral
283 Health Commission. All Behavioral Health Commission meetings shall be held at locations
284 freely accessible to all members of the public.
285

286 **Section 4.02** The agenda of the regular meetings of the Behavioral Health Commission
287 shall be posted in a place available to the public at least 72 hours prior to the meeting. The
288 agenda shall contain a brief general description of each item of business to be transacted
289 or discussed, and no action is to be taken on non-agenda items unless:
290

- 291 a) By a majority vote a determination is made that an emergency situation exists
292 (emergency situation means work stoppage or other activity which severely impairs
293 health, safety or both, or a crippling disaster which severely impairs public health, safety
294 or both);
295

- 296 b) By a determination of two thirds of the members, or if less than two thirds of the
297 members are present, then by a unanimous vote of the members present, that the need
298 to take action arose subsequent to the agenda being posted;
299
300 c) By the item being continued from a prior meeting held less than five days previously, at
301 which time the item was posted.
302

303 **Section 4.03** Every agenda shall provide an opportunity for members of the public to
304 directly address the Behavioral Health Commission on items of interest to the public that
305 are within the subject matter jurisdiction of the Behavioral Health Commission. The
306 Behavioral Health Commission may make reasonable rules and regulations limiting the
307 time allocated for public testimony on issues and for each individual speaker.
308

309 **Section 4.04** A special meeting may be called, consistent with the Brown Act, at any time
310 by either the Chairperson of the Behavioral Health Commission or a majority of its
311 members. This shall be done by delivering personally, or by mail, written notice to each
312 member and each local newspaper, radio, or TV station which requests written notice.
313 That notice must be received at least 24 hours prior to the meeting. The notice shall
314 include the time and place of the meeting and the business to be transacted. No other
315 business shall be considered at these meetings. In the case of an emergency situation, the
316 Behavioral Health Commission may hold an emergency meeting without compliance within
317 the 24-hour notice requirement. The Behavioral Health Commission must, however,
318 attempt to notify by telephone, at least one hour prior to the start of the meeting, any media
319 that has requested notice of special meetings.
320

321 **Section 4.05** No meeting excluding the public may be held without first advising County
322 Counsel of the specific purpose or purposes of such meetings and receiving written advice
323 from County Counsel that it is legal to hold such a session or meeting.
324

325 **Section 4.06** Behavioral Health Commission action may be taken by a majority of those
326 present and voting and by no less than a majority of a quorum. A roll call vote shall be
327 taken when requested by any member in attendance.
328

329 **Section 4.07** A quorum shall be defined as one person more than one-half of the
330 appointed members. When the number of appointed members is an odd number, this
331 requirement is satisfied by dividing the number of appointed members in half, and then
332 rounding that quotient to the next whole number. The definition of appointed members
333 excludes unfilled positions, including partially appointed members who have not completed
334 all requirements of the Clerk of the Board's Office, such as mandated Ethics training, and
335 those positions vacated by resignation or removal. A quorum must be present for any
336 Behavioral Health Commission action.
337
338
339
340
341
342
343
344
345
346
347

348 **ARTICLE 5 Officers**
349

350 **Section 5.01**
351

352 Officers
353

- 354 a) All members of the Behavioral Health Commission shall be eligible to be elected officers
355 of the Behavioral Health Commission;
356
- 357 b) The officers of the Behavioral Health Commission shall be Chairperson, Chairperson-
358 Elect, Past Chairperson, and Committee Chairpersons;
359
- 360 c) The Chairperson-Elect shall be elected during the first meeting of the calendar year.
361
- 362 d) The Chairperson shall serve for two years. The Chairperson may run for re-election at
363 the annual election;
364
- 365 e) Officers to serve as Committee Chairpersons shall be elected during the first meeting of
366 the calendar year or at any time when the Chairperson proposes to form a Committee to
367 carry out the responsibilities of the Commission, shall serve for one year, and may run
368 for re-election at the annual election.
369

370 **Section 5.02 Duties of the Chairperson**
371

- 372 a) The Chairperson shall be the Chief Executive Officer of the Behavioral Health
373 Commission and preside at all general membership;
374
- 375 b) The Chairperson shall establish the agenda for Behavioral Health Commission
376 meetings;
377
- 378 c) The Chairperson is responsible for interpretation, implementation, and enforcement of
379 the By-Laws; sets policies in accordance with the By-Laws, and recommends policies to
380 the Behavioral Health Commission for approval
381
- 382 d) The Chairperson is the official spokesperson for the Behavioral Health Commission;
383
- 384 e) The Chairperson shall be in consultation with the local Behavioral Health Director;
385
- 386 f) The Chairperson shall appoint standing committees and act as an ex-officio member of
387 each of these committees;
388
- 389 g) The Chairperson shall have the authority to appoint all appointive positions, committees
390 and committee members not otherwise provided for, and may call on any Officer of the
391 Commission for assistance in the implementation of the duties assigned to the Officers,
392 or the general membership of the Behavioral Health Commission;
393
- 394 h) The Chairperson shall sign all official documents approved by the Behavioral Health
395 Commission or delegate such responsibility as necessary to staff, and shall initiate and
396 pursue communication with members and outside individuals, organizations, agencies
397 or other entities, as may be required;
398

- 399 i) The Chairperson is ultimately responsible for the production of, and submission to, the
400 Board of Supervisors and the County Administrative Officer, by July 30 of each year, a
401 short, concise, annual report which shall contain a summary of the Behavioral Health
402 Commission's preceding fiscal years' activities and projects, a list of individual
403 Behavioral Health Commission members and their responsibilities with the Behavioral
404 Health Commission, and any other information requested by the Board of Supervisors;
405
406 j) The Chairperson shall attend the State wide annual meeting of the California
407 Association of Local Behavioral Health Boards and Commissions. If the Chairperson is
408 unable to attend the aforementioned meeting, the Chairperson shall appoint another
409 Officer of the Commission to attend said meeting.
410

411 **Section 5.03** Duties of the Chairperson-Elect

412
413 The Chairperson-Elect assists the Chairperson as requested by the Chairperson and, in the
414 absence, disability, or resignation of the Chairperson, functions as the Chairperson until the
415 next election.
416

417 **Section 5.04** Duties of the Past Chairperson

418
419 The Past Chairperson assists the Chairperson as requested by the Chairperson, and in the
420 absence, disability, or resignation of the Chairperson-Elect, functions as the Chairperson-
421 Elect until the next election.
422

423 **Section 5.05** Duties of Committee Chairpersons

424
425 The Committee Chairpersons shall be responsible for their respective standing and/or ad
426 hoc committee assignments being met as outlined in Section 1.02 Purpose, Power and
427 Authority.
428
429

430 **ARTICLE 6** **Standing Committees and Ad Hoc Committees**

431
432 **Section 6.01** Standing committees shall be designated by the Chairperson with the
433 approval of the Behavioral Health Commission.
434

435 **Section 6.02** Ad hoc committees may be appointed by the Chairperson as required to
436 further the purpose, power and authority of the Behavioral Health Commission. These
437 committees shall serve at the discretion of the Chairperson and confirmation of the Officers
438 of the Behavioral Health Commission.
439

440 **Section 6.03** Members of standing and ad hoc committees need not be Behavioral
441 Health Commission members, except that the Behavioral Health Commission Chairperson
442 shall designate Behavioral Health Commission members to serve on said committees.
443

444 **Section 6.04** The standing and ad hoc committees shall be authorized to help carry out
445 the duties and functions of the Behavioral Health Commission. The actions and
446 recommendations of these committees shall not be deemed the action of the Behavioral
447 Health Commission and shall in no way bind the Behavioral Health Commission and its
448 members. The establishment and dissolution of all such committees not represented in the

By-Laws shall be reported to the Board of Supervisors in the Behavioral Health Commission minutes.

Section 6.05 Pursuant to Welfare and Institutions Code section 5604.5(e), the Behavioral Health Commission shall have an executive committee comprising an odd numbers of members, three (3) members or more, including the Chairperson, the Chairperson-Elect, and all other members necessary to help carry out the duties and functions of the Behavioral Health Commission, particularly the annual report to the Board of Supervisors on the needs and performance of the County's behavioral health system. The actions and recommendations of this committee shall not be deemed the action of the Behavioral Health Commission and shall in no way bind the Behavioral Health Commission and its members.

ARTICLE 7 Administrative Secretary

Section 7.01 The Director of Behavioral Health shall designate an employee of the Behavioral Health Bureau as his/her representative to be the Administrative Secretary.

Section 7.02 The Administrative Secretary shall:

- a) Be responsible for final presentation of the minutes to the Behavioral Health Commission, the Board of Supervisors, and the County Administrative Officer;
- b) Cause to be kept, a full and true record of all meetings of the Behavioral Health Commission;
- c) Cause to be issued notices of regular and special meetings of the Behavioral Health Commission and all steps necessary to comply with the Brown Act;
- d) Maintain a record of attendance of Behavioral Health Commission members;.
- e) Coordinate with the Clerk of the Board on the appointment and vacancy of Behavioral Health Commission members;
- f) Coordinate collaboration with community members.

ARTICLE 8 Expenses

Section 8.01 The members of the Behavioral Health Commission may seek compensation for driving to and from Behavioral Health Commission meetings, and by seeking such compensation, understand this compensation will be reported as taxable income. Members may also seek reimbursement for reasonable expenses necessarily incurred to conduct official County business, including travel, lodging, childcare, and meals. Members must adhere to the County of Monterey's established Travel and Business Expense Reimbursement Policy. All such reimbursements for reasonable expenses must be approved in writing by the Behavioral Health Director before such expenses are incurred. Standard rates allowed County personnel shall be paid for reimbursement; all claims are subject to the approval by the County Auditor-Controller.

ARTICLE 9 Rules of Order

Section 9.01 Except when State laws or regulations, County ordinances, County Counsel recommendation, or these By-Laws apply, procedures of the Behavioral Health Commission shall be governed by Robert's Rules of Order.

ARTICLE 10 Amendments

Section 10.01 These By-Laws may be amended by majority vote at any meeting called in accordance with the By-Laws provided notice of the proposed amendment was given, in advance, with the call for the meeting. Proposed amendments to the By-Laws shall be reviewed by County Counsel prior to the noticed meeting.

Section 10.02 These By-Laws, and any amendments thereto, shall take effect immediately upon their approval by the Board of Supervisors.

Original: January 1995
Revised: October 1996
 November 1996
 November 2004
 August 2007
 December 2009
 July 2010
 January 2018
 _____ 2025

Approved as to Legal Form:

By: _____
 Office of County Counsel

Date: _____